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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,141	09/07/1999	JONATHAN FOOTE	FXPL-01002US	8130

23910 7590 08/02/2004  
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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/391,141

**Applicant(s)**

FOOTE ET AL.

**Examiner**

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 41-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10 and 41-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 1, 2004, has been entered.

### ***Drawings***

2. The corrected drawing was received on April 1, 2004. This drawing is approved and the corresponding objection withdrawn.

### ***Response to Arguments***

3. Applicant's arguments filed April 1, 2004, have been fully considered but they are not persuasive.

Regarding claims 1-3 and 5-10, contrary to Applicant's assertion on page 9, lines 11-14, Lassiter does teach indicating a location using a cue within the scene. As stated in column 21, lines 58-63, the device may include a motion-tracking feature, wherein a cue — i.e., the motion of an object — causes the camera to aim itself at the object's new position.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 41, 42, 45, and 49-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Sears (U.S. Patent No. 6,115,482).

Regarding claim 41, Sears discloses a document reading system shown in figures 1a, 1b, and 3 (Figure 3 shows several alternative features that may optionally be added to the embodiment shown in Figure 1). The system uses camera 39 or a pair of cameras 87 and 89 to capture images of a user's hand — or, alternatively, a blinking light (“an object”) on a user's hand — as it moves within the camera's range (“an interface”) over printed material 33 (“a representation of a scene”) (column 5, lines 54-64). In capturing the blinking light and printed material, the system may scan the printed material for symbols such as a bar code (“information”) (column 17, lines 6-8). If it is determined that a bar code exists (“reading information”), a laser scanner fixed to the pan and tilt mechanism of camera 39 moves to highlight the bar code on the document (“determining a location” and “directing a view”); therefore, camera 39 is also aimed at the bar code (column 17, lines 12-17). A video display 31 or 32 displays the view captured by the camera.

Regarding claim 42, Sears teaches that his system looks for a bar code on the document. A bar code is encoded digital information.

Regarding claim 45, Sears teaches that printed material 33 is paper (column 6, lines 28-29).

Regarding claim 49, Sears teaches that software magnification (“a virtual view”) of a selected document area may be performed and shown on the screen (column 18, lines 22-24).

Regarding claim 50, Sears teaches that overlapping images from a plurality of cameras may be combined to produce an image representative of printed material 33 (column 15, lines 28-32).

Regarding claim 51, Sears teaches that pan-tilt camera 89 and wide-angle camera 87 (“an array of cameras”) may be substituted for the single camera (column 16, lines 30-32). Sears also teaches that software magnification (“a virtual view”) of a selected document area may be performed and shown on the screen (column 18, lines 22-24).

Regarding claim 52, Sears discloses a document reading system shown in figures 1a and 1b. The system uses camera 39 to capture images of a user’s hand as it moves over printed material 33 (“a scene”) (column 5, lines 54-64). A user designates a block of text (“a location”) using hand gestures (“a cue”) within view of camera 39 (column 6, lines 4-9). Pointer tracker 57 detects the gesture and magnifies the user’s selection for on monitor 31 (column 6, lines 9-11; column 10, lines 47-49).

Regarding claim 53, instead of using the location of a user’s hand to designate an area, the system may detect the location of a blinking light (“illumination”) on the user’s hand (column 5, lines 54-64).

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Regarding claim 54, Sears teaches that a gesture is used to control the camera (column 10, lines 39-50).

Regarding claim 55, Sears teaches that a box representing a reading window — the area selected by the user — may be displayed on the monitor (column 9, lines 48-49; column 13, lines 13-15 and 29-30).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lassiter (U.S. Patent No. 6,624,846).

Regarding claim 1, Lassiter discloses a user interface for a camera or group of cameras. The captured scene is displayed on visual user interface 200 (“displaying a representation of a scene”) (column 7, lines 12-20). As shown in Figure 1, the system includes video camera 101 and stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). The device may include a motion-tracking feature, wherein a cue — i.e., the motion of an object — causes the camera to aim itself at the object’s new position (column 21, lines 58-63).

Lassiter is silent with regard to displaying a view of a location within a scene simultaneously with the complete image within this embodiment.

In the embodiment shown in Figure 9, a control scene 902 selected from within target scene 901 is displayed along with target scene 901 on the screen (column 19, lines 49-57).

An advantage to displaying a view of a location within a scene simultaneously with a complete captured image is that a user may view a selected area in detail while still monitoring the complete area captured by the camera. For this reason, it would have been obvious at the time of invention to have Lassiter’s live selected area displayed simultaneously with the complete captured image.

Regarding claim 2, Lassiter teaches that the image data in the area of the main subject may be subsampled (a “virtual view”) in order to capture that location (column 11, lines 59-65).

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Regarding claim 3, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras may be combined to create a panoramic image (column 15, lines 30-37, and column 16, lines 9-13).

Regarding claim 5, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) (column 7, lines 12-20). Lassiter teaches that, “the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. Lassiter teaches that resizing the outline of the control scene can result in the adjustment of a zoom amount (column 17, lines 50-60).

Regarding claim 6, Lassiter teaches that the user interface may constrain the user’s selection of the control scene to one with an appropriate aspect ratio (column 11, lines 35-40).

Regarding claim 7, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) (column 7, lines 12-20). Lassiter teaches that, “the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do



the same. Lassiter teaches that the image data in the selected area may be subsampled in order to capture that location (column 11, lines 59-65).

Regarding claims 8 and 9, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) (column 7, lines 12-20). Lassiter teaches that, “the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. Lassiter shows in figures 7A through 7F that the outline of the control scene 702 includes a center portion and outside frame. The resizing of the outside frame can result in the adjustment of the zoom amount (“a parameter of said view”) (column 17, lines 50-60).

Regarding claim 10, Lassiter teaches that the user interface includes stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) (column 7, lines 12-20). Lassiter teaches that, “the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays” (“a drag and drop icon”) (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. Lassiter teaches that control scene 702, as shown in figures 7A through 7F, may be dragged across a screen to pan the captured scene (column 17, lines 11-13).

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9. Claims 43, 44, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sears.

Regarding each of these claims, Sears is silent with regard to the printed material being a photo, drawing, graphical representation, architectural drawing, or schematic

Official Notice is taken that video cameras can be used to capture any visible object, including photos, drawings, graphics, and schematics. An advantage to capturing said objects is that they may be examined in further detail by a viewer with limited vision. For this reason, it would have been obvious at the time of invention to have Sears's system capture any object.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason T. Whipkey, whose telephone number is (703) 305-1819. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern daylight time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

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July 15, 2004

  
TUAN HO  
PRIMARY EXAMINER